

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 973 of 1993

Date of decision : June 25, 1996

For Approval and Signature

The Honourable Mr. Justice M.S.Parikh

1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether Their Lordships wish to see the fair copy of Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judge ?

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STATE OF GUJARAT

Versus

M.B. BAHULKAR.  
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Appearance:

PUBLIC PROSECUTOR for Petitioner

MR ANAND G BHATT for Respondent No. 1  
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CORAM : MR.JUSTICE M.S.PARIKH

Date of Order: 25/06/96

ORAL JUDGMENT

The appellant herein is the original complainant and the respondent is the original accused. The respondent was tried for the Offences punishable under Sections 33(1) & 92 of the Factories Act, 1948 and in view of plea of guilt he was sentenced to pay fine of Rs.500/- and in default of fine to under-go Simple Imprisonment for 15 days as per the impugned order dated 29.6.1995 in Criminal Case No.515 and 516 of 1988

2. The complainant has preferred this Appeal against the said order of conviction and sentence only on the ground that by virtue of the provision contained in Section 92 of the Act the accused ought to have been fined the minimum amount of Rs.1000/-.

3. I have heard the learned Advocate appearing on behalf of the complainant (appellant herein) and the respondent accused. On going through the provision contained in Section 92 of the Act it clearly appears that a minimum of Rs.1,000/- by way of fine ought to have been imposed by virtue of the proviso to the section. It is not in dispute that in the accident in question one person had died and another person had sustained injuries. In that view of the matter the order of sentence is required to be modified.

4. The fine imposed upon the accused is increased to Rs.1,000/- for each of the cases and the sentence will stand altered accordingly i.e. in default of payment of fine the accused shall undergo imprisonment for a period of 30 days. The accused shall pay-up the balance amount of fine of Rs.500/- of each of the cases within a period of 10 days from today in the lower Court.

The Appeal shall stand allowed in the aforesaid [ terms.

Direct Service permitted.

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